



05-12-05

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Barber, Elizabeth K. Confirmation No.: 4008  
Serial No.: 09/966,264 Art Unit: 1636  
Filed: September 28, 2001 Examiner: KAUSHAL, Sumesh  
For: GENE EXPRESSION CONTROL Attorney Docket No: 896034-605001  
DNA ELEMENT AND ASSOCIATED  
PROTEIN

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

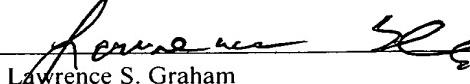
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated January 10, 2005 of the Primary Examiner finally rejecting claims 1-5, 8-14, 16-18, 37 and 38 of the above-identified application.

The item(s) checked below are appropriate:

1.  An extension of time for responding to the final rejection for one month(s):  
 was filed on  
 is submitted herewith.
2.  A timely response to the final rejection has been filed.
3.  A fee in the amount of \$500.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
4.  Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
5.  Please charge the required fee, if any, to Jones Day Deposit Account No. 50-2468. A copy of this sheet is enclosed.

Respectfully submitted,

Date: May 10, 2005

  
Lawrence S. Graham

49,020

(Reg. No.)

JONES DAY

222 East 41st Street  
New York, New York 10017  
(212) 326-3939

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